IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOS : 3408,22393,22394,22395,22396, 22397,22013,22801 AND 22802 OF 2003

W.P.NO.3408 OF 2003

Between:

Krishna Institute of Public Health Sciences,Vijaya Colony\ Chipurupalli (Ravindra Bharathi)Welfare & Education Society
Vizianagaram District Rep.by its Secretary-cum-Correspondent.

..... PETITIONER

AND

1 The Government of A.P rep.by its Secretary
Medical and Health Department Secretariat
Hyderabad.
2 The Institute of Public Health and Hygiene
rep.by its Secretary,95,Krishan Nagar,Street No.5 Safdarjung Enclave,New Delhi.
3 The Institute of Public Health and Hygiene,New Delhi Regional Office/Training Centre Santosh Complex,Maruthi Nagar,Saidabad Post Hyderabad Rep.by its Principal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of the Writ of Mandamus declaring the impugned action of the 2nd respondent in canceling the permission granted to the petitioner college for conducting training to the courses of Diploma in Public Health and Sanitation Technology for the academic year 2002-03 unilaterally vide proceedings Ref.No.IPH&H/(H.O)/SC-260/2002-03, dated 10-9-

2002 and consequently direct the 2nd respondent to allow the candidates admitted by the petitioner college for examination for the course of Diploma in Public Health and Sanitation Technology for the academic year 2002-03 or in alternative direction the 1st respondent to allow the candidates admitted by the petitioner college for examinations to be conducted by the 1st respondent for the course of diploma in Public Health and Sanitation Technology vide collecting required fee etc.,

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondent No.1: ADVOCATE GENERAL

Cousenl for the respondents 2 and 3: GP FOR MEDICAL HEALTH & FAMI.WELFARE,

WRIT PETITION NO : 22393 of 2003

Between:

1 G. Eswara Rao, S/o. enkata Rao, R/o. H.No. 1-9-28/1, Balagameth, Sri Satya Sainagar, Srikakulam.
2 K.V.S. Srinivasa Rao, S/o. Visweswara Rao, R/o. Near Badrammagudi, Illispuram, Srikakulam.
3 S. Krishna Rao, S/o. S. Dilleswara Rao, R/o. Rajupalem (V), Kaviti (M), Srikakulam.
4 K.V. Dileep Kumar, S/o. Satyanarayana, R/o. Amadalavalasa Post and (V), Srikakulam District.

..... PETITIONERS

AND

1 The State of A.P., rep. by the Secretary, Health,Medical and Family Welfare Department (J2),
Secretariat Buildings, Hyderabad.
2 The Director of Health, Got. of A.P.,Vaidya Vidhana Parishad Sultan Bazar, Hyderabad - 1.
3 Institute of Public Health & Hygiens.95, Kishan Nagar, Street No.5, Safdar Jang Enclave, New Delhi-29,
rep. by its Secretary.
4 Sri Surya Institute of Health Sciences,rep.by its Secretary/ Correspondent, Near : Ramakrishna Theatre, Chinna Bazar,
Srikakulam.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 2 and 3 in not conducting the examinations to the students of fourth respondent Institution for obtaining the Diploma Certificate in Public Health and Hygiene as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India

Counsel for the Petitioners:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondents 2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: Mr.K.L.N.Swamy.

Counsel for the Respondent No.4: M/s.M.VIDYAVATHI,

-

-

-

-

WRIT PETITION NO : 22394 of 2003

Between:

1 Gemmili Ananda Rao, S/o. Chinnayya, R/o. Venkayyapalem, Ananthagiri (M), Visakhapatnam District.
2 Chamanthula Satish, S/o. Late Somasekhara, R/o. Kapu Street, S.Kota, Vizianagaram District.
3 V.Adapalli Ashoka Raju, S/o. Venkata Jagannadha Raju, R/o. Bowdara, S.Kota Mandal, Vizianagaram District.
4 Poosarla Ravi Kumar, S/o. Koti Rathnam, R/o. Chilakala Gadda, R/o. Bowdavara, Ananthagiri Mandal, Vizianagaram District.

... PETITIONERS

AND

1 The State of A.P., rep. by the Secretary, Health,Medical and Family Welfare Department (J2), Secretariat, Hyderabad.
2 The Director of Health, Govt. of A.P., Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad-1.
3 Institute of Public Health & Hygiene.95, Kishan Nagar, Street No.5, Safdarjung Enclave, New Delhi - 29.
4 The Secretary / Correspondent, Sai Teja Institute of Health Sciences, Chodavaram, Visakhapatnam District. **..RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondents in not conducting the examinations to the students of fourth respondent Institution for obtaining the Diploma Certificate in Public Health and Hygiene as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India

Counsel for the PetitionerS:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1:ADVOCATE GENERAL

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: Mr.K.L.N.Swamy

Counsel for the Respondent No.4:M/s.M.VIDYAVATHI,

WRIT PETITION NO : 22395 of 2003

Between:

1 Indukuri Srinivasa Raju, S/o. Indukuri Suryanarayana Raju, Residing at Bowdara PO, S.Kota Mandal,Visakhapatnam District
2 Veduruparthi Chandra SEkhar, S/o. Kanchana, R/o. Santagalli Ramanammapeta, S.Kota Mandal,Visakhapatnam District
3 Nagapu Venkata Appa Rao, S/o. Appayyamma, Residing at T. Vaddavara, S.Kota, Visakhapatnam District
4 Mata Murali Mohan, S/o. Surappadu, Residing at T.Badddavara, S.Kota Mandal,Visakhapatnam District

..... PETITIONERS

AND

1 The State of A.P., rep. by the Secretary, Health, Medical & Family Welfare Department (J2), Secretariat Buildings,
Hyderabad.
2 The Director of Health, Govt. of A.P., Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 Institute of Public Health & Hygiene.95, Kishan Nagar, Street No.5, Safarjung Enclave, New Delhi - 110 0029.
4 The Secretary/Correspondent, Sri Ravi Teja Institute of Health Sciences, Prathipadu, East Godavari District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondents in not conducting the examinations to the students of fourth respondent Institution for obtaining the Diploma Certificate in Public Health and Hygiene as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioners:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondents Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: Mr.K.L.N.SWAMY

Counsel for the Respondent No.4:M/s.M.VIDYAVATHI,

WRIT PETITION NO : 22396 of 2003

Between:

1 M/ Arogyam Modi, S/o. M. Adayya, R/o. D.No. 21/255, Bhaskarapuram, Machilipatnam, Krishna District.
2 Kancharla Chandra Sekhar, S/o. Sankaraiah, R/o. Gowthavaram PO, RAcharla Mandal, Prakasam District.
3 Nelapatla Madhu, S/o. Yohanul, R/o. Jayanthi. PO, Veerullapadu Mandal, Krishna District.
4 Katarapu Srinivasa Rao, S/o. Mukkanti Jayanthi, PO: Veerulapadu Mandal, Krishna District. **..... PETITIONERS**

AND

1 The State of A.P., rep. by the Secretary, Health, Medical & Family Welfare Department (J2), Secretariat Buildings,
Hyderabad.
2 The Director Health, Govt. of A.P., Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad-1.
3 Institute of Public Health & Hygiene.95, Kishan Nagar, Street No.5, Safdarjung Enclave, New Delhi - 29.
4 The Secretary and Correspondent Dileef College of Health Science & Medical Technology (Kavali)
(Dileef Mem.Edl.& Social Ser.Academy) Police Colony, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondents in not conducting the examinations to the students of fourth respondent Institution for obtaining the Diploma Certificate in Public Health and Hygiene as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioners:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: Mr.K.L.N.SWAMY

Counsel for the Respondent No.4: M/s.M.VIDYAVATHI,

WRIT PETITION NO : 22397 of 2003

Between:

1 Karumuri Bhaskara Rao, S/o K.Satyam, aged 19Years, r/o Chebrole,PO, Cheruvulopalem, V.Guntur District.

2 Jamjanam Siva Ramakrishna, S/o J.Sambasiva Rao, aged 25 years, R/o Ho.No.6-11-Pedda Konery, Dakshaanam Street, Mangalagiri, Guntur District.
3 H.D.Eswara Rao Talupula, S/o Satyanarayana, aged about 23 years, r/o Plot No.1920, New Rajeev Nagar, Vijayawada-15, Krishna District. 4 Karumuri Raja Sekhar, S/o Amrutha Kumar, Aged 26 years, r/o Cheruvulopalem, Chebrole Mandal and post, Guntur District.

.... PETITIONERS

AND

1 The State of A.P., rep. by the Secretary, Health, Medical & Family Welfare Department (J2), Secretariat Buildings, Hyderabad.
2 The Director Health, Govt. of A.P., Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad-1.
3 Institute of Public Health & Hygiene.95, Kishan Nagar, Street No.5, Safdarjung Enclave, New Delhi - 29.
4 The Secretary and Correspondent Divya Institute of Medical Technology,

Opp: to N.T.R.Complex, Hero Honda Show Room, Prakasam Road, Vijayawada-520002. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondents in not conducting the examinations to the students of fourth respondent Institution for obtaining the Diploma Certificate in Public Health and Hygiene as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India

Counsel for the Petitioners:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: Mr.K.L.N.SWAMY

Counsel for the Respondent No.4: M/s.M.VIDYAVATHI.

WRIT PETITION NO : 21013 of 2003

Between:

1 E.Ravindra Chaitanya Prasad s/o. Seenaiah
r/o. H.No.25-11-767 Police colony, Dargamitta,
A.K.Nagar (P.O),Nellore
2 Kavili Sai s/o. K.Srinivasulu,

r/o. H.no.27-II-294, Balaji Nagar,
Nellore **..... PETITIONERS**

AND

1 The Govt. of A.P.rep.by its Prl.Secty., Health, Medical & Family Welfare Dept.,Secretariat,Hyd.
2 The Dir.of Health,Govt., of A.P., Sultan Bazar, Hyderabad
3 The Institute of public Health & Hygiene, rep.by its Secty., 95, Krishan Nagar, Street No.5,
Sardarjung Enclave, New Delhi-110029
4 MSR College of para-Medical courses, rep.by its Dir., Opp: court, Gudur, Nellore Dist. **...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondent No.3 in not conducting the examinations to the students of the fourth respondent institute for obtaining the Diploma certificate in Public health Hygiene and sanitation Technology as illegal, arbitrary and violates the fundamental rights guaranteed under Article 14, 16 and 21 of the constitution of India and further direct the third respondent to conduct the final examinations for the students of the 4th respondent institute for the academic year 2002-03 for diploma certificate in Public Health hygiene and sanitation forthwith.

Counsel for the Petitioners: MR.SAIBABU BELLAMKONDA,B.SUDHA

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: Mr.JOGAYYA SARMA

Counsel for the Respondent No.4: None appeared.,

WRIT PETITION NO : 22801 of 2003

Between:

1 D. Chandra Naik S/o Guravayya
R/o Kurnool, Kurnool District
2 B. Ravi Pratap s/o B. Venkata Ramudu
R/o Kurnool, Kurnool District **..... PETITIONERS**

AND

1 The State of Andhra Pradesh, rep by its Secretary, Health Medical and Family

Welfare, Department(J2) Secretariat, Buildings, Hyderabad
2 The Director of Health Government of Andhra Pradesh, Vidya Vidyana Parishad, Sultan Bazar, Hyderabad
3 Institute of Public Health & Hygiene 95 Kishan Nagar, Street. No. Safadrjung Enclave, New Delhi-29
4 The Secretary/Correspondent Laxmi Vishnu Priya Institute of Para Medical Sciences, Kurnool. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandmaus declaring the inaction of the respondents in not conducting the examinations to the students of fourth respondent-institution for obtaining the Diploma Certificate in Public health & Hygiene as illegal, arbitrary and violative of Articles 14 and 16 and 21 of the Constitution of India in the interest of justice and fair play.

Counsel for the Petitioners:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: MR.V.JOGAYYA SARMA

Counsel for the Respondent No.4 : None appeared,

AND

-

-

-

-

WRIT PETITION NO : 22802 of 2003

Between:

1 P.Nageswara Rao s/o Ramulu
R/o Venamvarikistapuram Mudigonda Mandal Khammam District
2 G. Mangilal S/o Mangtha
Anepuram V & Po., Megyathanda Mandal, Maripada, Warangal District
3 Bhukya aHari s/o Bicha
R/o Himamnagar, Enkoor, Mandal, Khammamd District
4 B. Jagannadham S/o Mangayya. Kasna
Thanda. V. Thangampadu Po., Khammam M and District

..... PETITIONERS

AND

1 The State of A.P., rep by Secretary, Health Medical and Family WelfareDepartment (J2) Secretariat, Buildings, Hyderabad
2 The Director of Health, Government of Andhra Pradesh, Vaidya Vidyana Parishad Sultan bazar, Hyderabad
3 Institute of Public Health & Hygiens 95, Kishan Nagar Street No. 5 safdarjung Enclave, New Delhi. 29
4 The Secretary/Correspondnet, Ashwini Institute of Medical Technology, Khammam, Khammam District **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of mandamus declaring the inaction of the respondents in not conducting the examinations to the students of fourth respondent-institution for obtaining the Diploma Certificate in Public health & Hygiene as illegal, arbitrary and violative of Articles 14 and 16 and 21 of the Constitution of India in the interest of justice and fair play.

Counsel for the Petitioners:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.1: ADVOCATE GENERAL

Counsel for the Respondent Nos.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: MR.V.JOGAYYA SARMA

Counsel for the Respondent No.4: M/S.M.VIDYAVATHI

The Court made the following:

Common Order:

Heard the learned Counsel for the petitioner and the learned counsel appearing on behalf of the contesting respondents and also the learned Advocate General. Since common question arise in these matters, all these cases are taken up together for disposal.

2. The petitioner in W.P.No.3408 of 2003 is an institute, which filed the writ petition, inter alia, seeking to assail the orders of cancellation of permission, dated 10-09-2002 passed by 2nd respondent therein, whereas, in other writ petitions the petitioners are students, who seek writ of Mandamus declaring the action of respondents 3 and 4 in not conducting the examinations for the course, which they have undergone, as illegal.

3. The facts in brief are that respondent No.2 in the Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions, which is an institute at Delhi, is conducting the examinations for the diploma courses in Health & Sanitation Technology, which is recognized qualification for the post of Multipurpose Health Assistant by respondent No.1. The case of the petitioners is that the petitioner in W.P.No.3408 of 2003 and respondent No.4 in the other writ petitions are the study centers, who are conducting the said examination by imparting the training on behalf of the respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in other writ petitions herein. The case of the petitioners is that having given permission for imparting training and conducting the examinations, earlier in respect of the said study centers viz., the petitioner in W.P.No.3408 of 2003 and respondent No.4 in other writ petitions, suddenly it is not allowing the students to appear for the examination, in spite of completion of the course and complying all the formalities, including the payment of fees. In Writ Petition No.3408 of 2003 the permission of the petitioner was cancelled on the ground that the petitioner did not send the list of the candidates, selected for such admission, by 30-08-2002. The case of the petitioner is that having regard to the late payment of fees by the students, there was such delay and therefore, that itself cannot be a ground for cancellation of the permission, especially where the students have undergone the training and paid substantial amount towards the fee. In other writ petitions, the students approached this Court complaining non-conducting of the examination for the course, which they have undergone and paid the necessary fee etc., Hence, these writ petitions.

4. The counter-affidavit filed on behalf of respondent No.4 in the other writ petitions other than Writ Petition No.3408 of 2003 do not, in fact, dispute the contentions and allegations as urged on behalf of the petitioners and in fact it was stated that having regard to the course undergone, the students are eligible for the examinations.

5. However, in the counter-affidavit filed on behalf of respondent no.1, it has been pointed out that respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions herein, has been imparting such training and issuing the certificates. As per the A.P.Public Health Subordinate Services for the posts of Multi Health Extension Officers, Multipurpose Health Supervisor (male and female) and Multipurpose Health Assistants (male and female), the qualification required for

appointment to the post of Multipurpose Health Assistant (male and female) is holder of Sanitary Inspector Training Course Certificate. Initially, diploma certificate issued by respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions, was not recognized. However, in O.A.No.7285 of 1993 on the file of A.P. Administrative Tribunal, Hyderabad, it was directed, as per the orders dated 31-12-1993, to consider the request of the applicants from the proper perspective and as per the rules. Accordingly, the Government recognized the diploma certificate issued by respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions, vide G.O.Ms.No.35 dated 30-01-1995 and consequently the rules have been amended as per G.O.Ms.No.273 dated 24-04-1989. However, it was pointed out that having regard to certain complaints from the All India Students Federation complaining that the Institute is playing havoc with the lives of the students and cheating the Government, the matter was examined and the said recognition was cancelled as per the G.O.Ms.No.64 dated 03-02-1996. The said orders were challenged in W.P.No.3102 of 1996, wherein this Court initially suspended the same and ultimately, the Writ Petition was disposed of on 16-04-2001 setting aside the order of cancellation and further it was directed that the matter is to be examined by amending the special rules. Therefore, the matter was again taken up for consideration and a committee was constituted to enquire into the bhogus certificates, which has submitted its report on 26-10-2002, stating that there is a deplorable picture of the functioning of the study centers of respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions and also pointed out various other irregularities. In all, there are 23 study centers functioning in Andhra Pradesh on behalf of the respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions and the said report reveals several pathetic objections as to inadequate and inappropriate infrastructure; enrolling more number of students than what is required; absence of proper internal assessment; absence of standardised procedure; and absence of proper recourse etc. Thereupon, it was decided to accept the said report and ultimately show cause notice was issued to respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions stating as to why the recognition granted in G.O.Ms.No.35 dated 30-01-1995 should not be cancelled and the respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions was called upon to

explain the same. In view of the same, it is submitted that no indulgence can be

shown either to respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions or to the study centers, much less, to the students, who undergone the training. Further, it is pointed out that having regard to the fact that the respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions and 4th respondent in all other writ petitions other than W.P.No.3408 of 2003, are private concerns, hence no writ would lie under Article 226 of the constitution of India. The learned Counsel appearing for the petitioner and respondent No.2 in Writ Petition No.3408 of 2003 and respondent No.3 in the other writ petitions and respondent No.4 in all the writ petitions other than Writ Petition No.3408 of 2003 submitted that the only question was as to why the list of students was not received in time and as a result, the permissions granted in favour of the study centers are sought to be cancelled and the students are not being allowed to appear for the examinations. However, across the Bar, it was suggested that if, on proper verification, it is found that the same are correct and the prescribed procedure is followed and on receipt of the examination fee etc., the said examinations can as well be conducted.

6. The learned Advocate General strongly objected the filing of the very writ petition itself under Article 226 of the constitution of India as against respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 and 4th respondent in the other writ petitions other than Writ Petition No.3408 of 2003, who are only private concerns, and therefore no writ would lie. It is further submitted that the present writ petition is framed in such a way taking respondent No.1 as a party, so that any order passed in favour of the petitioners or respondent No.2 in the Writ Petition No.3408 of 2003, and respondent No.3 and 4th respondent in the other Writ Petitions other than Writ Petition No.3408 of 2003, it will have a binding force and virtually compelling respondent No.1 to recognize the certificates granted by them. Whereas, it is his case that having regard to the checkered events as stated in the counter-affidavit, no indulgence can be shown nor the said certificates have any value.

7. Considering the submissions made and also on perusal of the material, it is seen that there is no serious objection, inter se, between the petitioners and respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions and respondent No.4 in the other writ petitions other than Writ Petition No.3408 of 2003 in regard to conducting of examinations, subject to, however, the

verification of the applications etc., as submitted above. However, there is no dispute to the fact that respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in other writ petitions, which is conducting the examinations, is only a private individual and there is no semblance of any instrumentality of state. In support, reliance was placed by the learned Advocate General on the decisions reported in GENERAL MANAGER, KISAN SAHKARI CHINI MILLS LTD. V. SATRUGHAN NISHAD, FEDERAL BANK LTD. V. SAGAR THOMAS, and DWAKRA PRASAD AGARWAL v. B.D.AGARWAL. In contra, the learned Counsel appearing on behalf of the petitioners sought to place reliance on the decisions reported in VASAVI COLLEGE OF ENGINEERING vs. A.SURYANARAYANA and SURESH PAL v. STATE OF HARYANA.

8. On a consideration of these decisions, there cannot be any dispute to the fact that no writ would lie unless there is any instrumentality of state. It is also not disputed that a writ can lie even against the private person in given circumstances. However, each case has to be decided on the facts therein. In the case on hand, the students on one side and the main institute and its study centers on the other is nothing but only an attempt to see some recognition is being given to their courses and certificates granted in pursuance thereof. As long as no such recognition is given, the certificates will be having no value. Admittedly, having regard to the two rounds of litigation, an enquiry was conducted by respondent No.1 and having received a report, a show cause notice was issued and final action has to be taken. Mere recognition of the certificate issued by respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions would not make it amenable to jurisdiction under Article 226 of the constitution of India. The only remedy lies within the realm of private law and therefore it cannot be said that the petitioner can seek any relief from this Court under Article 226 of the constitution of India. Hence, I do not find any merits in the petitioners' claim. However, having regard to the fact that there is no serious dispute between the petitioners and the respondent No.2 in Writ Petition No.3408 of 2003, and respondent No.3 in the other writ petitions and respondent No.4 in the other writ petitions, other than Writ Petition No.3408 of 2003, for holding examinations, as stated across the bar, subject to the verification of payment of fee etc., it is needless to mention that it is for them to act and proceed accordingly.

9. The Writ Petitions are, accordingly, dismissed. It is, however, open to respondent

No.1 herein to proceed with and to act in accordance with law in respect of the proceedings, which are already in the process. No costs.

_____

B.PRAKASH RAO,J.

Dated 16-08-2004.

Skmr

To

1 The Secretary ,Government of A.P,
Medical and Health Department Secretariat
Hyderabad.
2 The Secretary, Institute of Public Health and Hygiene
,95,Krishan Nagar,Street No.5 Safdarjung Enclave,New Delhi.
3 The Principal, Institute of Public Health and Hygiene,New Delhi Regional Office/Training Centre Santosh Complex,Maruthi Nagar,Saidabad Post Hyderabad.

4. The Secretary, State of A.P. Health Medical and Family Welfare J2-Dept., Secretariat, Hyderabad.

5. Institute of Public Health & Hygiene, 95, Kishan Nagar, Street No.5, Safdar Jung, Enclave, New Delhi.

6. Two CC's to the Advocate General, High Court of A.P., Hyderabad(OUT).

7. Two C.C.'s to the G.P. Medical & Health, High Court of A.P., Hyderabad(OUT).

8. Two C.D. Copies.